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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,555	02/19/2004	Yoshihiko Yokoyama	2004-0234A	1708
513 7590 09/24/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021				
EXAMINER				
CHU, KIM KWOK				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
09/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/780,555

**Applicant(s)**

YOKOYAMA ET AL.

**Examiner**

Kim-Kwok CHU

**Art Unit**

2627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Reconsideration filed on 5/12/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-34, 36, 38 and 40-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18, 21-26, 29-34, 36, 38, 41 and 43 is/are allowed.
- 6) ☒ Claim(s) 19, 27, 40 and 42 is/are rejected.
- 7) ☒ Claim(s) 20 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**Response to Remarks**

1. Applicant's Remarks filed on May 12, 2008 have been fully considered.

Rejection of Claims 19, 20, 27, 28, 40 and 42 is withdrawn because Applicant submitted a verified translation of Japanese application having a priority filing date of February 19, 2003 which is prior than the cited reference of Ikawa's filing date of July 9, 2003.

A newly found prior art of Song (U.S. Patent 5,561,648) is cited to reject the Claims 19, 27, 40 and 42.

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 19, 27, 40 and 42 are rejected under 35 U.S.C. § 102(b) as being anticipated by Song (U.S. Patent 5,561,648).

4. Song teaches an actuator for an optical pickup having all the elements and means as recited in claims 19 and 40. For example, Song teaches the following elements and means:

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(a) with respect to Claim 19, magnets 91-94 (Fig. 2; column 4, line 21) placed in such a manner that magnetic pole surfaces of the magnets 91-94 all face each other (Fig. 2; both magnets are positioned next to each other);

a focus coil 64 (Fig. 2) for driving a lens member 66 to move toward or away from an optical disk 156 (Figs. 4 and 5; column 3, lines 44-48); a track coil 56-59 for driving the lens member 66 in a diametrical (radial) direction of the lens member inward or outward with respect to an optical disk 156 (Figs. 2 and 4; column 3, lines 49-56); wherein at least one of the focus coil and the track coil 57 has a wound line shape (Fig. 2; tracking coil in this situation) that includes first sides (vertical wire) thereof facing and parallel to the magnetic pole surfaces of the magnets 91-94 (Figs. 2 and 6; other tracking coils also facing parallel to their respective magnets) and second sides (horizontal wire of 57) thereof that interconnect ends of the first sides (vertical sides (Figs. 2 and 6; coil 57 is a looping wire with horizontal wires and vertical wires connected), the second sides (horizontal wires) each bulging (curving) outwardly, in a diametrical direction of the respective the coil 57 (Figs. 2 and 6), from ends of the second sides (horizontal sides adjoining the first sides (vertical sides) toward a portion of the second sides between the ends of the second sides

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(Figs. 2 and 6; horizontal tracking coils 57 curve outward ).

(b) with respect to Claim 40, the at least one of said focus coil and the track coil having the wound line shape includes at least the focus coil 64 (Figs. 2 and 6; focusing coil 64 bulging outward in the diameter direction).

5. Claims 27 and 42 have limitations similar to those treated in the above rejection, and are met by the references as discussed above. Claim 27 however also recites the following limitation which are also taught by the prior art of Song:

(a) an optical pickup and a lens member 2 (Fig. 5).

***Allowable Subject Matter***

6. Claims 18, 21-26, 29-34, 36, 38, 41 and 43 are allowable over the prior art.

7. Claims 20 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claims 18, 24, 26, 32 and 34, the prior art of record fails to teach or fairly suggest that an actuator having the following features:

(a) at least part of the track coil is in a position closer to the optical axis of the lens member than the outermost end portion of the lens member;

(b) a focus coil would about the optical axis of the lens member.

As in claims 20 and 28, the prior art of record fails to teach or fairly suggest that an actuator having the following feature:

(a) the wound line shape is a hexagon.

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As in claims 21 and 29, the prior art of record fails to teach or fairly suggest that an actuator having the following features:

(a) at least part of the track coil is in a position closer to the optical axis of the lens member than the outermost end portion of the lens member; and

(b) for an optical pickup wherein at least one of the focus coil and the track coil has a wound line shape that includes first sides thereof facing and parallel to said magnetic pole surfaces of the magnets and second sides thereof that interconnect ends of the first sides, the second sides each bulging outwardly, in a diametrical direction of the respective coil, from ends of the second sides adjoining the first sides toward a portion of the second sides between the ends of the second sides.

As in claim 23 and 31 the prior art of record fails to teach or fairly suggest that an actuator for an optical pickup having a holding portion positioned to face the optical disk and having a surface that holds a peripheral portion of the lens member from the opposite side of the other surface of the lens member, the holding portion having an outermost diameter smaller than the outermost peripheral edge of the lens member, an opening portion diametrically inside of said holding portion

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forming an optical path about the optical axis of the lens member, a focus coil bobbin portion around the optical path for the winding of a focus coil, and a track coil bobbin portion, having an axis parallel to sides of a winding line shape of the focus coil bobbin portion, for winding a track coil.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.



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9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/

Examiner AU2627

September 14, 2008  
(571) 272-7585

/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627